

## **REMARKS**

**[0002]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-19, 21-25, 27, 28, 30, 32, 33, and 36 are presently pending. Claims 1, 3, 10-13, 25, 27, 28, 30, 32, and 33 are amended herein. Claims 2, 26, and 31 are withdrawn or cancelled herein. No new claims are added herein.

### **Statement of Substance of Interview**

**[0004]** Examiners Hasan and Tran graciously met with me—the undersigned representative for the Applicant—on July 9, 2008 at the USPTO. Applicant greatly appreciates the Examiners’ willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application. During the interview, we discussed removal of the Mukerjee reference via 35 U.S.C. § 103(c) as subject to assignment to the same assignee.

**[0005]** Applicant’s representative thanked the Examiners for allowing independent claim 17. Also, I understood the Examiners to tentatively agree that independent claims 1, 25, and 30 would be patentable over the remaining references if amended to incorporate subject matter from dependent claims 2, 26, and 31.

**[0006]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

**Formal Request for an Interview**

**[0007]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone. Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

**Allowable Subject Matter**

**[0008]** Applicant would like to thank the Examiner for allowing claims 17-19 and 21-24. These claims have not been amended herein, and therefore remain allowable.

**Claim Amendments**

**[0009]** Without conceding the propriety of the rejections herein and in the interest of interest of expediting prosecution, Applicant amends claims 1, 3, 10-13, 25, 27, 28, 30, 32, and 33 herein. Applicant amends these claims to highlight claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to highlight the claimed features,

and should not be construed as further limiting the claimed invention in response to the cited references.

**CITED ART SUBJECT TO OBLIGATION OF ASSIGNMENT TO SAME  
ASSIGNEE – 35 U.S.C. § 103 (c)**

**[0010]** The Applicant respectfully requests that the Examiner remove Mukerjee et al., U.S. Patent Application Publication 2005/0013365 as a prior art reference in prosecution of the instant application as a result of the following statement as set forth in the Manual of Patent Examining Procedure, 706.02(1)(2) II.

**[0011]** The instant application and the cited reference, U.S. Patent Application Publication 2005/0013365, were, at the time the invention of the instant application was made, both subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that the cited art, U.S. Patent Application Publication 2005/0013365, only qualifies as prior art under § 102(e), and shared a common assignee with the instant application at the time the subject matter of the instant application was conceived. Thus, U.S. Patent Application Publication 2005/0013365, which was cited in combination with Itokawa, U.S. Patent Application Publication 2001/0033620 and Robotham et al., U.S. Patent No. 5,627,765 under § 103(a) should be disqualified under § 103(c).

## **Substantive Matters**

### **Claim Rejections under § 102 and § 103**

**[0012]** Claims 1-16, 25-28, 30-33, and 36 are rejected under 35 U.S.C. § 102 or § 103. In light of the amendments presented herein, removal of the Mukerjee reference, and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Independent Claims 1, 25, and 30**

**[0013]** Applicant respectfully submits that claims 1, 25, and 30 are patentable over the Itokawa and Robotham at least for the reason that each has been amended to incorporate subject matter from dependent claims for which the rejection relied upon a removed reference. Applicant requests that the Examiner withdraw the rejection of each of these claims.

### **Dependent Claims 3-16, 27, 28, 32, 33, and 36**

**[0014]** Each of these claims depend from one of independent claims 1, 25, and 30, and 30. As discussed above, claims 1, 25, and 30 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional

independent reasons. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

### **Conclusion**

**[0015]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant



Dated:

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